



General Assembly

**Substitute Bill No. 6848**

January Session, 2015



**AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-36k of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) [Not later than two business days] Except as provided in  
4 subsection (b) of this section, not later than two business days after the  
5 occurrence of any event that makes a person ineligible to possess a  
6 pistol or revolver or other firearm or ammunition, such person shall (1)  
7 transfer in accordance with section 29-33 all pistols and revolvers  
8 which such person then possesses to any person eligible to possess a  
9 pistol or revolver and transfer in accordance with any applicable state  
10 and federal laws all other firearms to any person eligible to possess  
11 such other firearms by obtaining an authorization number for the sale  
12 or transfer of the firearm from the Commissioner of Emergency  
13 Services and Public Protection, and submit a sale or transfer of  
14 firearms form to said commissioner within two business days, [except  
15 that a person subject to a restraining or protective order or a foreign  
16 order of protection may only transfer a pistol, revolver or other firearm  
17 or ammunition under this subdivision to a federally licensed firearms  
18 dealer pursuant to the sale of the pistol, revolver or other firearm and  
19 ammunition to the federally licensed firearms dealer,] or (2) deliver or  
20 surrender such pistols and revolvers and other firearms and

21 ammunition to the Commissioner of Emergency Services and Public  
22 Protection, or (3) transfer such ammunition to any person eligible to  
23 possess such ammunition. The commissioner shall exercise due care in  
24 the receipt and holding of such pistols and revolvers and other  
25 firearms or ammunition. [For the purposes of this section, a "person  
26 subject to a restraining or protective order or a foreign order of  
27 protection" means a person who knows that such person is subject to  
28 (A) a restraining or protective order of a court of this state that has  
29 been issued against such person, after notice and an opportunity to be  
30 heard has been provided to such person, in a case involving the use,  
31 attempted use or threatened use of physical force against another  
32 person, or (B) a foreign order of protection, as defined in section 46b-  
33 15a, that has been issued against such person in a case involving the  
34 use, attempted use or threatened use of physical force against another  
35 person.]

36 (b) Immediately, but in no event more than twenty-four hours after  
37 notice has been provided to a person subject to a restraining or  
38 protective order or a foreign order of protection, such person shall (1)  
39 transfer any pistol, revolver or other firearm or ammunition which  
40 such person then possesses to a federally licensed firearms dealer  
41 pursuant to the sale of the pistol, revolver or other firearm or  
42 ammunition to the federally licensed firearms dealer, or (2) deliver or  
43 surrender such pistols and revolvers and other firearms and  
44 ammunition to the Commissioner of Emergency Services and Public  
45 Protection. For the purposes of this section, a "person subject to a  
46 restraining or protective order or a foreign order of protection" means  
47 a person who knows that such person is subject to (A) a restraining or  
48 protective order of a court of this state that has been issued against  
49 such person, after notice has been provided to such person, in a case  
50 involving the use, attempted use or threatened use of physical force  
51 against another person, or (B) a foreign order of protection, as defined  
52 in section 46b-15a, that has been issued against such person in a case  
53 involving the use, attempted use or threatened use of physical force  
54 against another person.

55     [(b)] (c) Such person, or such person's legal representative, may, at  
56 any time up to one year after such delivery or surrender, transfer such  
57 pistols and revolvers in accordance with the provisions of section 29-33  
58 to any person eligible to possess a pistol or revolver and transfer such  
59 other firearms and ammunition, in accordance with any applicable  
60 state and federal laws, to any person eligible to possess such other  
61 firearms and ammunition, provided any person subject to a restraining  
62 or protective order or a foreign order of protection, or such person's  
63 legal representative, may only transfer such pistol, revolver or other  
64 firearm or ammunition to a federally licensed firearms dealer pursuant  
65 to the sale of the pistol, revolver or other firearm or ammunition to the  
66 federally licensed firearms dealer. Upon notification in writing by the  
67 transferee and such person, the Commissioner of Emergency Services  
68 and Public Protection shall, within ten days, deliver such pistols and  
69 revolvers [or] and other firearms [or] and ammunition to the  
70 transferee. If, at the end of such year, such pistols and revolvers [or]  
71 and other firearms [or] and ammunition have not been so transferred,  
72 the commissioner shall cause them to be destroyed.

73     [(c)] (d) Any person who fails to transfer, deliver or surrender any  
74 such pistols and revolvers and other firearms [or] and ammunition as  
75 provided in this section shall be subject to the penalty provided for in  
76 section 53a-217, as amended by this act, or 53a-217c, as amended by  
77 this act.

78     Sec. 2. Section 53a-217 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective October 1, 2015*):

80     (a) A person is guilty of criminal possession of a firearm,  
81 ammunition or an electronic defense weapon when such person  
82 possesses a firearm, ammunition or an electronic defense weapon and  
83 (1) has been convicted of a felony committed prior to, on or after  
84 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or  
85 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
86 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been  
87 convicted as delinquent for the commission of a serious juvenile

88 offense, as defined in section 46b-120, (3) has been discharged from  
89 custody within the preceding twenty years after having been found  
90 not guilty of a crime by reason of mental disease or defect pursuant to  
91 section 53a-13, (4) knows that such person is subject to (A) a  
92 restraining or protective order of a court of this state that has been  
93 issued against such person, after notice [and an opportunity to be  
94 heard] has been provided to such person, in a case involving the use,  
95 attempted use or threatened use of physical force against another  
96 person, or (B) a foreign order of protection, as defined in section 46b-  
97 15a, that has been issued against such person in a case involving the  
98 use, attempted use or threatened use of physical force against another  
99 person, (5) (A) has been confined on or after October 1, 2013, in a  
100 hospital for persons with psychiatric disabilities, as defined in section  
101 17a-495, within the preceding sixty months by order of a probate court,  
102 or with respect to any person who holds a valid permit or certificate  
103 that was issued or renewed under the provisions of section 29-28 or 29-  
104 36f in effect prior to October 1, 2013, such person has been confined in  
105 such hospital within the preceding twelve months, or (B) has been  
106 voluntarily admitted on or after October 1, 2013, to a hospital for  
107 persons with psychiatric disabilities, as defined in section 17a-495,  
108 within the preceding six months for care and treatment of a psychiatric  
109 disability and not solely for being an alcohol-dependent person or a  
110 drug-dependent person as those terms are defined in section 17a-680,  
111 (6) knows that such person is subject to a firearms seizure order issued  
112 pursuant to subsection (d) of section 29-38c after notice and an  
113 opportunity to be heard has been provided to such person, or (7) is  
114 prohibited from shipping, transporting, possessing or receiving a  
115 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,  
116 "convicted" means having a judgment of conviction entered by a court  
117 of competent jurisdiction, "ammunition" means a loaded cartridge,  
118 consisting of a primed case, propellant or projectile, designed for use  
119 in any firearm, and a motor vehicle violation for which a sentence to a  
120 term of imprisonment of more than one year may be imposed shall be  
121 deemed an unclassified felony.

122 (b) Criminal possession of a firearm, ammunition or an electronic  
123 defense weapon is a class C felony, for which two years of the sentence  
124 imposed may not be suspended or reduced by the court, and five  
125 thousand dollars of the fine imposed may not be remitted or reduced  
126 by the court unless the court states on the record its reasons for  
127 remitting or reducing such fine.

128 Sec. 3. Section 53a-217c of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective October 1, 2015*):

130 (a) A person is guilty of criminal possession of a pistol or revolver  
131 when such person possesses a pistol or revolver, as defined in section  
132 29-27, and (1) has been convicted of a felony committed prior to, on or  
133 after October 1, 2013, or of a violation of subsection (c) of section 21a-  
134 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,  
135 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)  
136 has been convicted as delinquent for the commission of a serious  
137 juvenile offense, as defined in section 46b-120, (3) has been discharged  
138 from custody within the preceding twenty years after having been  
139 found not guilty of a crime by reason of mental disease or defect  
140 pursuant to section 53a-13, (4) (A) has been confined prior to October  
141 1, 2013, in a hospital for persons with psychiatric disabilities, as  
142 defined in section 17a-495, within the preceding twelve months by  
143 order of a probate court, or has been confined on or after October 1,  
144 2013, in a hospital for persons with psychiatric disabilities, as defined  
145 in section 17a-495, within the preceding sixty months by order of a  
146 probate court, or, with respect to any person who holds a valid permit  
147 or certificate that was issued or renewed under the provisions of  
148 section 29-28 or 29-36f in effect prior to October 1, 2013, such person  
149 has been confined in such hospital within the preceding twelve  
150 months, or (B) has been voluntarily admitted on or after October 1,  
151 2013, to a hospital for persons with psychiatric disabilities, as defined  
152 in section 17a-495, within the preceding six months for care and  
153 treatment of a psychiatric disability and not solely for being an alcohol-  
154 dependent person or a drug-dependent person as those terms are

155 defined in section 17a-680, (5) knows that such person is subject to (A)  
156 a restraining or protective order of a court of this state that has been  
157 issued against such person, after notice [and an opportunity to be  
158 heard] has been provided to such person, in a case involving the use,  
159 attempted use or threatened use of physical force against another  
160 person, or (B) a foreign order of protection, as defined in section 46b-  
161 15a, that has been issued against such person in a case involving the  
162 use, attempted use or threatened use of physical force against another  
163 person, (6) knows that such person is subject to a firearms seizure  
164 order issued pursuant to subsection (d) of section 29-38c after notice  
165 and an opportunity to be heard has been provided to such person, (7)  
166 is prohibited from shipping, transporting, possessing or receiving a  
167 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or  
168 unlawfully in the United States. For the purposes of this section,  
169 "convicted" means having a judgment of conviction entered by a court  
170 of competent jurisdiction.

171 (b) Criminal possession of a pistol or revolver is a class C felony, for  
172 which two years of the sentence imposed may not be suspended or  
173 reduced by the court, and five thousand dollars of the fine imposed  
174 may not be remitted or reduced by the court unless the court states on  
175 the record its reasons for remitting or reducing such fine.

176 Sec. 4. Section 29-32 of the general statutes is repealed and the  
177 following is substituted in lieu thereof (*Effective October 1, 2015*):

178 (a) For the purposes of this section, "conviction" means the entry of a  
179 judgment of conviction by any court of competent jurisdiction.

180 (b) Any state permit or temporary state permit for the carrying of  
181 any pistol or revolver may be revoked by the Commissioner of  
182 Emergency Services and Public Protection for cause and shall be  
183 revoked by said commissioner upon conviction of the holder of such  
184 permit of a felony or of any misdemeanor specified in subsection (b) of  
185 section 29-28 or upon the occurrence of any event which would have  
186 disqualified the holder from being issued the state permit or

187 temporary state permit pursuant to subsection (b) of section 29-28.  
188 Upon the revocation of any state permit or temporary state permit, the  
189 person whose state permit or temporary state permit is revoked shall  
190 be notified in writing and such state permit or temporary state permit  
191 shall be forthwith delivered to the commissioner. Any law  
192 enforcement authority shall confiscate and immediately forward to the  
193 commissioner any state permit or temporary state permit that is  
194 illegally possessed by any person. The commissioner may revoke the  
195 state permit or temporary state permit based upon the commissioner's  
196 own investigation or upon the request of any law enforcement agency.  
197 Any person who fails to surrender any permit within five days of  
198 notification in writing of revocation thereof shall be guilty of a class A  
199 misdemeanor.

200 (c) Any local permit for the carrying of a pistol or revolver issued  
201 prior to October 1, 2001, may be revoked by the authority issuing the  
202 same for cause, and shall be revoked by the authority issuing the same  
203 upon conviction of the holder of such permit of a felony or of any  
204 misdemeanor specified in subsection (b) of section 29-28 or upon the  
205 occurrence of any event which would have disqualified the holder  
206 from being issued such local permit. Upon the revocation of any local  
207 permit, the person whose local permit is revoked shall be notified in  
208 writing and such permit shall be forthwith delivered to the authority  
209 issuing the same. Upon the revocation of any local permit, the  
210 authority issuing the same shall forthwith notify the commissioner.  
211 Upon the revocation of any permit issued by the commissioner, the  
212 commissioner shall forthwith notify any local authority which the  
213 records of the commissioner show as having issued a currently valid  
214 local permit to the holder of the permit revoked by the commissioner.  
215 Any person who fails to surrender such permit within five days of  
216 notification in writing or revocation thereof shall be guilty of a class A  
217 misdemeanor.

218 (d) If a state permit or temporary state permit for the carrying of any  
219 pistol or revolver is revoked because the person holding such permit is

220 subject to an ex parte order issued pursuant to section 46b-15 or 46b-  
221 16a, upon expiration of such order, such person may notify the  
222 Department of Emergency Services and Public Protection that such  
223 order has expired. Upon verification of such expiration and provided  
224 such person is not otherwise disqualified from holding such permit  
225 pursuant to subsection (b) of section 29-28, the department shall  
226 reinstate such permit.

227       Sec. 5. Section 29-36i of the general statutes is repealed and the  
228 following is substituted in lieu thereof (*Effective October 1, 2015*):

229       (a) Any eligibility certificate for a pistol or revolver shall be revoked  
230 by the Commissioner of Emergency Services and Public Protection  
231 upon the occurrence of any event which would have disqualified the  
232 holder from being issued the certificate pursuant to section 29-36f.

233       (b) Upon the revocation of any eligibility certificate, the person  
234 whose eligibility certificate is revoked shall be notified in writing and  
235 such certificate shall be forthwith delivered to the Commissioner of  
236 Emergency Services and Public Protection. Any person who fails to  
237 surrender such certificate within five days of notification in writing of  
238 revocation thereof shall be guilty of a class A misdemeanor.

239       (c) If an eligibility certificate for a pistol or revolver is revoked  
240 because the person holding such certificate is subject to an ex parte  
241 order issued pursuant to section 46b-15 or 46b-16a, upon expiration of  
242 such order, such person may notify the Department of Emergency  
243 Services and Public Protection that such order has expired. Upon  
244 verification of such expiration and provided such person is not  
245 otherwise disqualified from holding such certificate pursuant to  
246 section 29-36f, the department shall reinstate such certificate.

247       Sec. 6. Section 29-37s of the general statutes is repealed and the  
248 following is substituted in lieu thereof (*Effective October 1, 2015*):

249       (a) A long gun eligibility certificate shall be revoked by the  
250 Commissioner of Emergency Services and Public Protection upon the



251 occurrence of any event which would have disqualified the holder  
252 from being issued the certificate pursuant to section 29-37p.

253 (b) Upon the revocation of any long gun eligibility certificate, the  
254 person whose certificate is revoked shall be notified, in writing, and  
255 such certificate shall be forthwith delivered to the Commissioner of  
256 Emergency Services and Public Protection. Any person who fails to  
257 surrender such certificate within five days of notification, in writing, of  
258 revocation thereof shall be guilty of a class A misdemeanor.

259 (c) If a long gun eligibility certificate is revoked because the person  
260 holding such certificate is subject to an ex parte order issued pursuant  
261 to section 46b-15 or 46b-16a, upon expiration of such order, such  
262 person may notify the Department of Emergency Services and Public  
263 Protection that such order has expired. Upon verification of such  
264 expiration and provided such person is not otherwise disqualified  
265 from holding such certificate pursuant to section 29-37p, the  
266 department shall reinstate such certificate.

267 Sec. 7. Section 29-38p of the general statutes is repealed and the  
268 following is substituted in lieu thereof (*Effective October 1, 2015*):

269 (a) An ammunition certificate shall be revoked by the Commissioner  
270 of Emergency Services and Public Protection upon the occurrence of  
271 any event which would have disqualified the holder from being issued  
272 the certificate pursuant to section 29-38n.

273 (b) Upon the revocation of any ammunition certificate, the person  
274 whose certificate is revoked shall be notified, in writing, and such  
275 certificate shall be forthwith delivered to the Commissioner of  
276 Emergency Services and Public Protection. Any person who fails to  
277 surrender such certificate within five days of notification, in writing, of  
278 revocation thereof shall be guilty of a class A misdemeanor.

279 (c) If an ammunition certificate is revoked because the person  
280 holding such certificate is subject to an ex parte order issued pursuant  
281 to section 46b-15 or 46b-16a, upon expiration of such order, such

282 person may notify the Department of Emergency Services and Public  
 283 Protection that such order has expired. Upon verification of such  
 284 expiration and provided such person is not otherwise disqualified  
 285 from holding such certificate pursuant to section 29-38n, the  
 286 department shall reinstate such certificate.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	29-36k
Sec. 2	<i>October 1, 2015</i>	53a-217
Sec. 3	<i>October 1, 2015</i>	53a-217c
Sec. 4	<i>October 1, 2015</i>	29-32
Sec. 5	<i>October 1, 2015</i>	29-36i
Sec. 6	<i>October 1, 2015</i>	29-37s
Sec. 7	<i>October 1, 2015</i>	29-38p

**JUD**      *Joint Favorable Subst.*